



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT DEREK LURCH, JR.

Plaintiff,

- against -

JOHN DOE POLICE OFFICER BADGE
NUMBER 8520; SERGEANT GORMAN;
POLICE OFFICER MCKEEVER; POLICE
OFFICER DROZDIK; POLICE SERGEANT
NUNEZ; POLICE OFFICER BEN COSME;
POLICE OFFICER CALLOU; CENTRAL
BOOKINGS COURT PEN OFFICER,

Defendants.

23-CV-6704 (JGLC) (RWL)

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ROBERT DEREK LURCH, JR.

Plaintiff,

- against -

P.O. PILGRIM (NYPD) (21213); P.O. AVIN
(NYPD) (4080),

Defendants.

23-CV-6727 (JGLC) (RWL)

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ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

The Court held a telephonic case management conference in these cases on May 1, 2024. At the conference, defense counsel represented that service had not been completed in either case.

Gorman, 23-CV-6704

Only three of eight defendants have been served (namely, Gorman, Drozdik, and McKeever). On December 15, 2023, the Court issued a Valentin order for the Corporation Counsel of the City of New York to ascertain and provide no later than January 31, 2024, full identification and address information for Defendants on whom the U.S. Marshals Service could not effectuate service or for whom summons have not yet issued, specifically Defendants Nunez, Cosme, Callou, Qosja, and Foster. The Corporation Counsel provided the requisite information for Qosja and Foster, but no service has been made on them. (See Dkt. 27). It does not appear that Corporation Counsel furnished the requisite information for Nunez, Cosme, and Callou.

Accordingly, no later than **May 22, 2024**, Corporation Counsel shall provide the requisite information to Plaintiff and the Court with respect to Nunez, Cosme, and Callou.

In the meantime, the Court **directs the Clerk of Court** to complete a U.S. Marshals Service Process Receipt and Return form (USM-285) for defendants Qosja and Foster; to issue summonses for those defendants; and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service on those defendants. The information for defendants Qosja and Foster to be used for those purposes is as follows: (1) Officer Labeat Qosja, Shield No. 8520, NYPD Transit District 01, 1 Central Park West, New York, NY 10023; and (2) Lieutenant James Foster, Tax ID 930175, NYPD Manhattan Court Section, 100 Centre Street, New York, NY 10013.

The Court sua sponte extends Plaintiff's time to serve all remaining defendants until **July 31, 2024**. If the defendants have not been served by that date, Plaintiff shall request an extension of time for service. As always, Plaintiff bears the responsibility to

ensure service has been timely made. If service is not timely made on any particular defendant, the case will proceed without that defendant.

Pilgrim, 23-CV-6727

Neither defendant has been served. On November 8, 2023, the Court issued an order directing the Clerk of Court to furnish information to the U.S. Marshals Service to effect service on both defendants. (Dkt. 12.) It does not appear that summonses were issued. Accordingly, the Court **directs the Clerk of Court** to complete a U.S. Marshals Service Process Receipt and Return form (USM-285) for defendants Pilgrim and Avin; to issue summonses for those defendants; and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service on those defendants. The information for defendants Pilgrim and Avin to be used for those purposes is based on information furnished by Corporation Counsel on November 6, 2023 (Dkt. 10) as follows: (1) Officer Neil Pilgrim, Shield No. 21213, NYPD's 13th Precinct, 230 E 21st Street, New York, NY 10010; and (2) Officer Sabine Avin, Shield No. 04080, NYPD's Transit District 20, 137 Queens Boulevard, Queens, NY 11435.

The Court sua sponte extends Plaintiff's time to serve all remaining defendants until **July 31, 2024**. If the defendants have not been served by that date, Plaintiff shall request an extension of time for service. As always, Plaintiff bears the responsibility to ensure timely service has been made. If service is not timely made on any particular defendant, the case will proceed without that defendant.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: May 2, 2024
New York, New York

The Court respectfully requests the Clerk of Court mail a copy of this order to the pro se Plaintiff:

Robert Derek Lurch, Jr.
#24B0013
Elmira C.F.
Box 500
Elmira, NY 14902